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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

UNITED STATES OF AMERICA,

CR 07-273-RE

Respondent-Plaintiff,

ORDER

v.

ALFONSO MARTINEZ-PELAYO,

Petitioner-Defendant.

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REDDEN, Judge:

On October 14, 2008, Petitioner Alfonso Martinez-Pelayo filed a motion (doc. 16) for reduction of sentence pursuant to 18 U.S.C. § 3582, and 28 U.S.C. § 2255. Petitioner asserts that the Bureau of Prisons has violated, and continues to violate his civil rights by categorically excluding him from certain rehabilitation programs based on his immigration status. Because

Petitioner's motion challenges the conditions of his confinement and the execution of his sentence, the court construes his motion as a petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. See Hernandez v. Campbell, 204 F.3d 861, 864 (9th Cir. 1999) (holding that Section 2241 is the proper mechanism through which a federal inmate may challenge the conditions of his confinement). Accordingly, the Clerk of the Court is hereby ordered to open a civil action so that Petitioner may pursue these claims.

IT IS SO ORDERED.

DATED this 22 day of October, 2008.

  
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James A. Redden  
United States District Judge